

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

ANTHONY RAY MUNDY

PLAINTIFF

V.

CIVIL NO. 6:18-cv-06115

FITZPATRICK (Classification Officer,
ADC Malvern); JD HUDSON (Correctional
Floor Officer, Ouachita River Correctional
Unit; and MRS. HOSMAN (Classification
Officer, Ouachita River Correctional Unit)

DEFENDANTS

ORDER

The Court has received a report and recommendation (ECF No. 33) from United States Magistrate Judge Barry A. Bryant. Plaintiff filed a complaint alleging his constitutional rights were violated on July 15, 2018, while incarcerated in the Arkansas Department of Correction (“ADC”) Ouachita River Unit. Defendants filed a Motion for Summary Judgment on Exhaustion (ECF No. 17), and Plaintiff filed a Response in Opposition (ECF No’s. 20, 23). Defendants filed a Reply (ECF No. 24). After considering the evidence and the arguments the Magistrate recommended that Defendants’ motion be granted and that Plaintiff’s complaint be dismissed without prejudice for failure to exhaust administrative remedies against the Defendants in this case. No objections to the Report and Recommendation have been filed.

Upon review, the Court finds that the Report and Recommendation is proper, contains no clear error, and is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Defendants’ Motion for Summary Judgment (ECF No. 17) should be and hereby is GRANTED;

IT IS FURTHER ORDERED that Plaintiff's Complaint should be and hereby is
DISMISSED WITHOUT PREJUDICE.

SO ORDERED this 26th day of February 2020.

/s/Robert T. Dawson

ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE